

DEVELOPMENT NO.:	23016291
APPLICANT:	Shane Hendriks
ADDRESS:	167 ESPLANADE BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Construction of three storey detached dwelling retained to existing footprint and retainment of existing garage at rear
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Waterfront Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Coastal Flooding • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 3m AHD; Minimum finished floor level is 3.25m AHD) • Minimum Frontage (Minimum frontage for a detached dwelling is 5m; semi-detached dwelling is 5m; row dwelling is 5m; group dwelling is 5m; residential flat building is 5m) • Minimum Site Area (Minimum site area for a detached dwelling is 300 sqm; semi-detached dwelling is 250 sqm; row dwelling is 200 sqm; group dwelling is 200 sqm; residential flat building is 200 sqm) • Maximum Building Height (Levels) (Maximum building height is 3 levels)
LODGEMENT DATE:	26 Jul 2023
RELEVANT AUTHORITY:	Assessment Panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	1 June 2023 2023.7
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

CONTENTS:

APPENDIX 1: Relevant P&D Code Policies

ATTACHMENT 1: Application Documents

DETAILED DESCRIPTION OF PROPOSAL:

The proposal comprises the demolition of an existing two storey detached dwelling and construction of a new three storey detached dwelling in the same position, over the existing building footprint, albeit some minor variations and retainment of existing garage at the rear of the site.



SUBJECT LAND & LOCALITY:

Site Description:

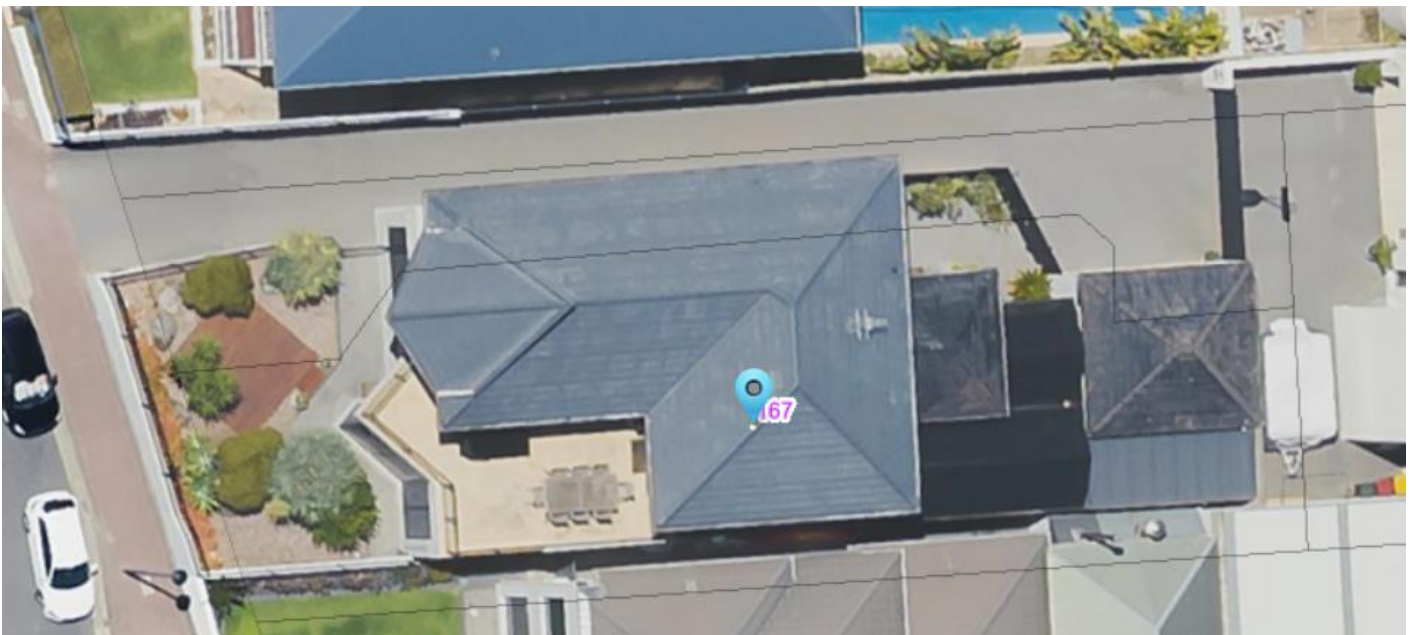
Location reference: 167 ESPLANADE BRIGHTON SA 5048

Title ref.: CT 5965/311 **Plan Parcel:** C22862 FL1 **Council:** CITY OF HOLDFAST BAY

The subject site has a direct frontage to the Esplanade and has a right of way over the access driveway along the northern side boundary to facilitate vehicle access into an existing garage, which is sought to be retained.

The site is an irregular shaped allotment with a frontage of 9.8 metres and depth of 35 metres, resulting in a site area of 400 square metres.

The existing dwelling is a two storey detached dwelling in a relatively flat site.



Locality

The locality is residential in nature, and contains predominately detached and semi-detached dwellings ranging from single to three storeys. There is a variety of housing styles, particularly as the current and past Zones have not specified particularly building design features. The beach is located immediately west of the subject site.



CONSENT TYPE REQUIRED:

- Planning Consent

CATEGORY OF DEVELOPMENT:

PER ELEMENT:

- Detached dwelling: Code Assessed - Performance Assessed
- New housing

OVERALL APPLICATION CATEGORY:

- Code Assessed - Performance Assessed

REASON

- P&D Code

PUBLIC NOTIFICATION

REASON

- Wall on southern boundary exceeds a height of 3 metres and length of 11.5 metres

LIST OF REPRESENTATIONS

- Nil

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Assessment Table

	Proposed	DPF Requirement	Achieved
Site Area	399 square metres	300 square metres	Existing
Frontage	9.8 metres	5 metres	Existing
Building Height	3 levels	3 levels	Yes
Front Setback	7.5 metres	7.5 metres	Yes
Rear Setback	9.3 metres from ground and upper levels	4 metres at ground level and 6 metres at upper level	Yes
Northern Side Setbacks	Boundary wall located on northern side boundary with a total length of 15.65 metres and varying heights of 3.1 to 9 metres.	Boundary walls up to 3 metres high over a length of 11.5 metres.	No
Southern Side Setbacks	Boundary wall located on southern side boundary with a total length of 10.3 metres and varying heights of 3.5 to 6.5 metres.	Boundary walls up to 3 metres high over a length of 11.5 metres	No
	Wall 3.3 metres high setback 1.3 metre.	Where a wall exceeds 3 metres, at least 900mm from the boundary plus a distance of 1/3 of the extent to which the wall height exceeds 3 metres from the top of the footings. Plus an additional 1 metre setback for a south facing wall.	Yes
	First floor wall 7.6 metres high setback 1.3 metres from the southern side boundary.	Where a wall exceeds 3 metres, at least 900mm from the boundary plus a distance of 1/3 of the extent to which the wall height exceeds 3 metres from the top of the footings. Plus an additional 1 metre setback for a south facing wall.	No
	Second floor (roof deck) wall 9 metres high, setback 1.3 metres from southern boundary.	Where a wall exceeds 3 metres, at least 900mm from the boundary plus a distance of 1/3 of the extent to which the wall height exceeds 3 metres from the top of the footings. Plus an additional 1 metre setback for a south facing wall.	No
Site Coverage	58 percent	60%	Yes

	Proposed	DPF Requirement	Achieved
Private Open Space	68 square metres	60 square metres	Yes
Soft Landscaping	22 percent of the site area	20 percent of the site area	Yes
Front Yard Landscaping	72 percent	30 percent	Yes
Tree Planting	1 tree to the rear of the dwelling and Conditioned accordingly.	1 small tree	Yes

Zone and Land Use

The subject land is in the Waterfront Neighbourhood Zone which accommodates residential development and supporting services and facilities that take advantage of the waterfront location. The proposed development comprises the construction of a residential building.

Building Design and Appearance

The Zone seeks buildings that positively contribute to the character of the local area, with an emphasis on architectural detailing at the street level.

The proposed building comprises a two storey appearance from street level (the second storey roof deck is recessed behind the main frontage and will not be visible from the street level) with rendered walls and flat roof. There is a high void to solid ratio, with the façade being predominately glass. The front wall and balcony are angled, which provides a good degree of articulation. Landscaping is incorporated into the front garden, bordered by a rendered front fence. The proposed building design is considered to reflect positively on the Esplanade streetscape.



Building Siting and Setbacks

The building is setback in line with the average setbacks of the neighbouring dwellings, and matches the existing building footprint, therefore the proposed front setback is consistent and complementary with the existing streetscape.



The building is setback 9.3 metres from the rear boundary, therefore beyond the minimum of 6 metres sought for an upper level component.

The building is located on the northern and southern side boundaries. Adjacent to the northern side boundary, is a driveway, which provides vehicle access to the rear of the site and rear adjacent hammerhead allotment. The driveway is 2.8 metres wide, thus presenting a reasonable setback from the northern adjacent property at 166 Esplanade.

On the southern side, the building wall is located on the boundary, with a wall length of 10.3 metres, with a wall height varying from 3.5 to 6.5 metres. According to the relevant DPF, the building should be setback a minimum distance of 2 to 3 metres. It is important to note that the existing dwelling has a similar boundary wall therefore the actual impact is negligible, as it remains largely the same as existing. Further, the application was subject to a public notification process whereby no objections were received.

Existing southern boundary wall shown below:



Visual Privacy

The first floor balcony returns to the south whereby overlooking can occur into the southern adjacent property, however this is as per the existing balcony, therefore on balance requiring the southern elevation of the balcony to be screened is not considered necessary.

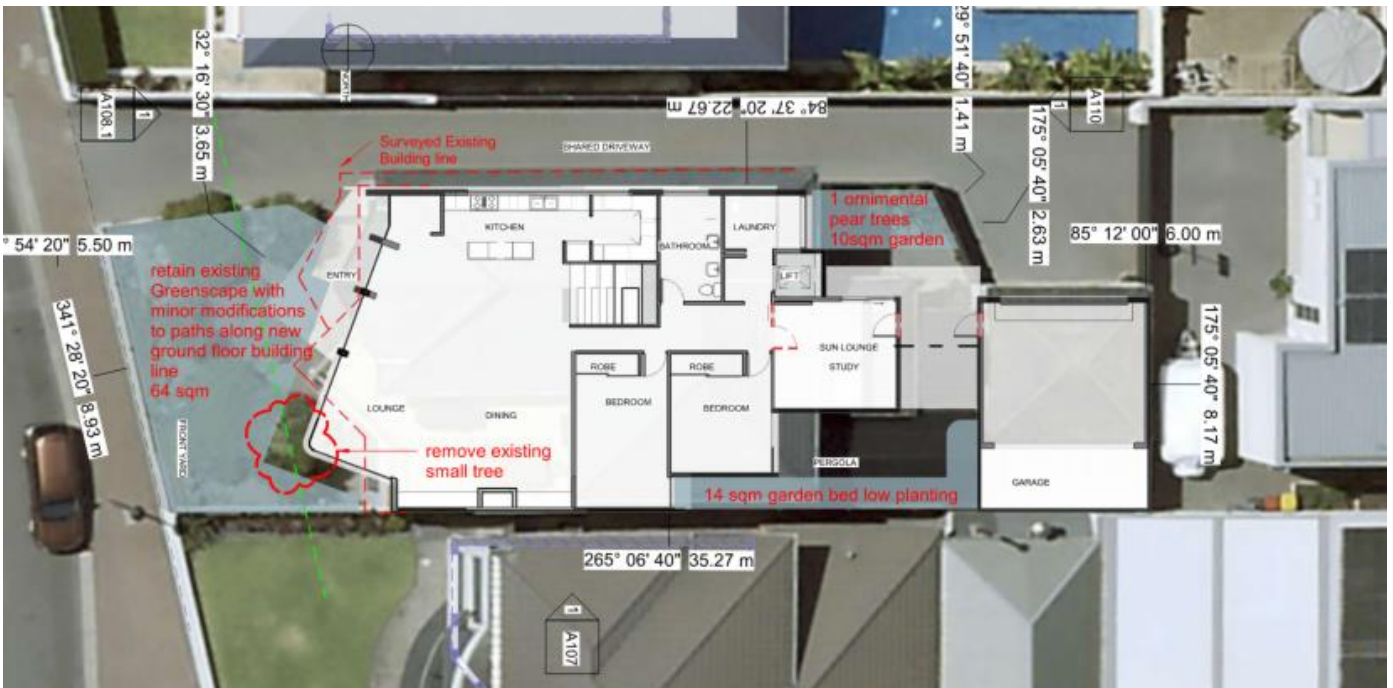
The second floor roof deck will be required to be screened up to 1.7 metres in height so as to avoid unreasonable overlooking into the northern and southern adjacent properties, particularly as this is a new building element that does not currently exist.

All upstairs windows on the side and rear elevations will require obscure glazing to 1.7 metres above the floor level, and conditioned accordingly.

Landscaping

The proposed development includes the retainment of existing landscaping in the front and rear yards. A small tree in the front will be removed and a small tree will be planted in the rear yard.

Soft landscaping amounts to 88 square metres, which is 22 percent of the site area, hence above the minimum Designated Performance Feature of 20 percent.



CONCLUSION

On balance, the proposed dwelling is similar to the existing dwelling in terms of the building footprint and built form relative to the streetscape. Although the new building has a third level, the Zone envisages three storey buildings.

The most notable element of the proposal which presents a perceived concern is the extend of boundary development on both side boundaries, however in context to the site features (northern boundary abuts a driveway) and the existing dwelling has a similar southern boundary wall, the actual impact on neighbouring properties is considered negligible. Critically, the boundary walls satisfy Performance Outcome 7.1 in that the boundary walls are limited in height and length so as to manage visual and overshadowing impacts on adjoining properties. The proposed walls, particularly the southern wall, will not result in any additional impact in comparison to the existing boundary wall.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 23016291, by Shane Hendriks is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

2. That all upstairs windows, other than facing the street, shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut and be installed prior to occupation of the dwelling.
3. Fixed screening up to a minimum height of 1.7 metres above the finished floor level shall be established to the northern and southern side elevations of the second floor deck in order to prevent direct overlooking into the northern and southern adjacent properties.
4. That landscaping as detailed in the approved plans shall be planted prior to occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.
5. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
6. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
7. The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site.

OFFICER MAKING RECOMMENDATION**Name:** Dean Spasic**Title:** Development Officer - Planning**Date:** 05/10/2023